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12 May 1995

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 12 May 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 11 May 1995 from H.E. Mr. Alija Izetbegovic, President of the Republic of Bosnia and Herzegovina, addressed to you.

May I ask for your kind assistance in distributing this letter and its attachment as a document of the General Assembly under agenda item 39 and of the Security Council.

(Signed) Ivan Z. MISIC
Deputy Permanent Representative
Chargé d'affaires a.i.

95-14431 (E) 120595 150595

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Annex

Letter dated 11 May 1995 from the President of the Republic of Bosnia and Herzegovina addressed to the Secretary-General

At the joint session of the Presidency and the Government of the Republic of Bosnia and Herzegovina reviewing the recent deterioration of the political and humanitarian situation in the Republic of Bosnia and Herzegovina, it was decided that we request you to undertake the following:

1. To take a decision, by announcement, urgently to open the Sarajevo airport for humanitarian flights, as well as to open the section of the blue route from Butmir to Dobrinja.

2. To halt immediately the transfer of the Serb population from Western Slovenia into Bosnia and Herzegovina.

You will recall that your Special Representative, Mr. Yasushi Akashi has offered support for this action and for the United Nations to facilitate logistically this transfer of Croatian Serbs into the Republic of Bosnia and Herzegovina, as well as the armed Serb soldiers.

This illegal action has been followed by the expulsion of the Bosniac and Croat populations from the Serb-occupied parts of the Republic of Bosnia and Herzegovina.

According to all norms of international law, this is a specific form of genocide by means of forcibly changing the ethnic composition of territories under temporary occupation by the aggressor, which should not in any way be supported by the United Nations.

We consider the two above-mentioned points as the minimum measures to be undertaken by those heading the United Nations administration in order to respond to blackmail and blatant disregard for norms of the international world political order.

I take this opportunity to inform you that the citizens of Sarajevo and other safe areas have been, day in day out, targets of renewed Serbian artillery attacks.

You must have knowledge of who prevented the recent action by airplanes of the North Atlantic Treaty Organization (NATO) and why, which has effectively only further emboldened the Serbs to continue with impunity to kill the civilian population in the safe areas.

Because of the urgency of this letter, I forward it to you via Ambassador Muhamed Sacirbey, Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations. I kindly ask for your assistance in conveying the contents of this letter to the participants in tomorrow's meeting in Paris, called to review the United Nations mission in Bosnia and Herzegovina.

(Signed) Alija IZETBEGOVIC

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Security Council

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 12 May 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

Corrigendum

Page 2, annex

Paragraph 2

For Western Slovenia read Western Slavonia

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Agenda item 42
THE SITUATION IN CENTRAL AMERICA:
PROCEDURES FOR THE ESTABLISHMENT OF A
FIRM AND LASTING PEACE AND PROGRESS
IN FASHIONING A REGION OF PEACE,
FREEDOM, DEMOCRACY AND DEVELOPMENT

SECURITY COUNCIL
Fiftieth year

Letter dated 18 April 1995 from the representatives of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama to the United Nations addressed to the Secretary-General

We have the honour to transmit to you herewith the following documents adopted by the Sixteenth Summit Meeting of the Presidents of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama and the Prime Minister of Belize:

- Declaration on the Strengthening of Peace and Security in the Central American Region, signed on 30 March 1995 (annex I);

- Declaration of Support for the Establishment and Operation of the Central American Radio Network (annex II);

- Agreement on the Santiago Declaration of 8 March 1995 (annex III);

- Declaration on the Situation in Nicaragua (annex IV);

- Declaration of San Salvador II (annex V);

- Programme of Immediate Action for Investment in Human Capital pursuant to the Declaration of San Salvador II (annex VI);

- Treaty on Central American Social Integration (annex VII).

We should be grateful if you would have this letter and its annexes distributed as a document of the forty-ninth session of the General Assembly, under agenda item 42, and of the Security Council.

(Signed) Fernando BERROCAL SOTO
Ambassador
Permanent Representative of
Costa Rica to the United Nations

(Signed) Ricardo G. CASTANEDA
Ambassador
Permanent Representative of
El Salvador to the United Nations

(Signed) Rafael CASTELLANOS-CARRILLO
Ambassador
Alternate Permanent Representative
Chargé d'affaires a.i. of the
Permanent Mission of Guatemala to
the United Nations

(Signed) Gerardo MARTINEZ-BLANCO
Ambassador
Permanent Representative of Honduras
to the United Nations

(Signed) Max STADTHAGEN
Counsellor
Chargé d'affaires a.i. of the
Permanent Mission of Nicaragua
to the United Nations

(Signed) Ruth DECEREGA SMITH
Deputy Permanent Representative
Chargé d'affaires a.i. of the
Permanent Mission of Panama to
the United Nations

(Signed) Edward A. LAING
Ambassador
Permanent Representative of
Belize to the United Nations

ANNEX I

Declaration on the Strengthening of Peace and Security in the Central American region

The Central American Presidents,

Considering the urgent need to strengthen the peace processes in Central America and thus to guarantee the stability and security which are essential to consolidation of the democratic political order and the economic and social development of our peoples,

Recognizing the tremendous importance for Central America of an early end to the armed conflict in Guatemala,

Aware that the necessary conditions exist in Central America for establishing a relationship of interdependence between an agenda for peace and an agenda for development and that, with the support and efforts of international solidarity, the region can become a model of conflict resolution, consolidated by peace and democracy through comprehensive development and the adoption of political solutions,

Reaffirming the joint commitment to eradicate the use of violence to achieve political power, the existence of illegal armed groups, terrorism and acts of destabilization as totally unwarranted actions in the region, in that they threaten the democratic system, the full exercise of human rights and the consolidation of peace and democracy in Central America,

Hereby agree:

1. To support the peace efforts promoted by the Government of Guatemala to bring about an early end to the internal armed conflict and thus to guarantee peace and security in that country and, consequently, in the region;

2. To reiterate the commitments made in the "Procedure for a Firm and Lasting Peace in Central America" (Esquipulas II) (A/42/521-S/19085), in particular, the commitment not to allow irregular or insurrectionist groups or forces to use their territory for military, logistical, financial or propaganda operations or for assembling troops, weapons, ammunition or any kind of equipment for the purpose of attacking or destabilizing any country in the region, nor to assist such groups or forces to that end;

3. To condemn any internal armed conflict in the region, since such conflicts have no place in democratic countries that are run by Governments elected freely by popular vote and in societies that are seeking development and reconciliation;

4. To condemn the actions of irregular groups, urging them to agree to an early cease-fire and appealing to them to refrain from terrorist acts and any other activities that jeopardize the rights of all citizens and particularly affect the physical safety and the property of civilians.

Hereby sign this Declaration at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX II

Declaration of Support for the Establishment and Operation of the Central American Radio Network

Convinced of the need to promote and implement the commitments entered into by our Governments in various fields, through mass dissemination campaigns aimed at increasing the awareness and involvement of our peoples, with a view to contributing to the attainment of the objectives of the integration process and of the Alliance for the Sustainable Development of Central America,

We hereby declare:

Our support for the establishment and operation of the Central American Radio Network, sponsored by the Governments, radio broadcasting associations and cooperating agencies of Central America, with a view to fostering coexistence, sustainable development, integration, peace, freedom, democracy, human rights, child welfare, health and education throughout the region. This action will be supplemented by the resolute cooperation of the region's telecommunications companies.

We hereby sign this Declaration at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX III

Agreement on the Santiago Declaration of 8 March 1995

Recognizing the importance of the Declaration adopted at Santiago, Chile, on 8 March 1995 in support of the joint implementation of the Framework Convention on Climate Change,

Considering that joint implementation gives the developing countries an opportunity to participate more effectively in the international market, while providing a new and additional source of resources to help attain the long-term objectives of sustainable development,

Hereby agree:

To endorse the Santiago Declaration aimed at launching a pilot phase in the execution of joint implementation programmes. Joint implementation offers a source of income from the private sector of developed countries that is additional to and separate from official international cooperation and that is provided as a counterpart contribution for the environmental services that our countries have always offered the world.

Hereby sign this agreement at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX IV

Declaration on the situation in Nicaragua

The Presidents of Costa Rica, El Salvador, Guatemala, Honduras and Panama and the Prime Minister of Belize,

Considering the political will demonstrated by the Government of Nicaragua in opting for dialogue and negotiation as appropriate means of solving problems and guaranteeing harmonious national coexistence based on democratic principles and the rule of law,

Considering the tremendous progress made in building democracy in Nicaragua, which reflects the deep-seated desire of the people of Nicaragua to consolidate a new era of peace and reconciliation in the country,

Aware that the efforts of the Government of Nicaragua to resolve the differences existing between the executive and legislative branches pave the way for solving problems by the means afforded by democracy, without interrupting the democratic process in the country,

Hereby agree:

1. To support the process of institutional dialogue that has begun in Nicaragua among the four branches of government with a view to resolving their differences regarding constitutional reforms, differences which are understandable in a process of democratic transition;

2. To encourage the various branches of government in Nicaragua to continue their efforts to strengthen democracy and democratic institutions, consolidate the rule of law and find solutions to the problems that exist, within the legal framework in force.

Hereby sign this Agreement at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX V

Declaration of San Salvador II

We, the Central American Presidents and the Prime Minister of Belize, have met at San Salvador, Republic of El Salvador, to follow up and continue to promote the basic commitments stemming from the Alliance for the Sustainable Development of Central America and expressed in the agreements reached at Guácimo, Masaya and Tegucigalpa, which constitute a new regional agenda. On this occasion we have focused on the social sphere, in view of its high priority, with the aim of promoting sustainable human development; one issue of transcendent importance in this regard is investment in human capital.

To that end, we have issued the following:

DECLARATION OF SAN SALVADOR II

In order to progress further in fashioning a region of peace, freedom, democracy and development in Central America, we must unite our efforts in a spirit of solidarity to address the problems caused by widespread unemployment, social disintegration and poverty, which continues to affect a large proportion of the Central American population. The recent changes which have taken place in the region and the world as a result of the globalization of production, new computer-based technologies and new organizational methods have generated a series of challenges. Regional integration in the political, economic, social and cultural spheres, with due respect for pluralism and ethnic diversity, takes on particular relevance in this context.

To meet these challenges, and based on the conviction that development, peace and democracy are inextricably linked, we have adopted a regional strategy, manifested in the Alliance for Sustainable Development, which emphasizes investment in the social sphere and the joint planning and coordination of efforts and objectives under an economic and social development model that lays the groundwork for enhancing the well-being of our peoples.

Since human beings are the centre and the subject of sustainable development, it is essential to strengthen and, where necessary, create the conditions they require to realize their full potential. This involves broadening their opportunities for all-round participation in the various aspects of development, improving their quality of life and fostering their creative and productive capacity through solidarity. This is Central America's greatest challenge for the twenty-first century.

To that end, with the support and participation of society as a whole, we pledge to focus our investment efforts on human beings by expanding, creating and ensuring access to greater opportunities for education, training, science and technology, culture, food and nutrition, health, housing, water, sanitation, social security, productive employment and income for the entire Central American population. These efforts must be made in an atmosphere that promotes

the full exercise of civil, political, economic, social and cultural rights for present and future generations.

In accordance with the commitments that make up the new regional agenda and those agreed upon at the recent World Summit for Social Development, held at Copenhagen, we reaffirm our intention to take decisive action to fight poverty, generate employment in productive activities and promote social integration and cohesiveness, full respect for human dignity and universal respect for, and observance of, human rights, with particular emphasis on equity and equality of opportunity between men and women and on the rights of children, youth, the elderly and the disabled.

To ensure the viability of these objectives, we reiterate our commitment to increase substantially, and to use with more efficiency and transparency, the resources allocated to the social sphere; moreover, we invite the international community to join us in this effort by increasing cooperation for development and according special treatment to the issue of external debt. Likewise, we invite international financial institutions to support and finance our social development programmes, with special emphasis on investment in people as a prerequisite for improving our countries' integration in the international economy.

Aware that this effort requires the support and involvement of civil society at the national and regional levels, we undertake to promote the latter's organized participation in the formulation, implementation and evaluation of social policies, programmes and projects, as well as decentralization and the strengthening of development at the local level.

To reaffirm our commitment to improve the population's quality of life, we have signed the Treaty on Central American Social Integration, known as the Treaty of San Salvador, which was formulated and submitted by the Regional Social Affairs Commission. The Treaty establishes, within the Central American Integration System, the legal, institutional and operational framework for promoting Central American social integration; the Council for Social Integration shall be responsible for its implementation.

Lastly, we are sincerely grateful to the people and Government of El Salvador for their hospitality and their unfailing spirit of brotherly goodwill, which contributed significantly to the success of this meeting. We

have decided to hold the next Meeting of Central American Presidents in the Republic of Honduras.

Cerro Verde, Republic of El Salvador, 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX VI

Programme of Immediate Action for Investment in Human Capital pursuant to the Declaration of San Salvador II

1. We enjoin the Council for Social Integration to formulate and adopt, by no later than September 1995 and in consultation with the advisory body, the Council of Ministers of Social Affairs and the Consultative Committee, a regional social policy based on the general guidelines agreed upon in this programme.

2. We enjoin the Ministers of Planning and Finance to put in place, by no later than November 1995, new national and regional mechanisms for increasing the funding of social development investment programmes, particularly anti-poverty and management evaluation programmes. These mechanisms must also seek to ensure increased involvement of and support from the business sector, local governments and communities.

3. We request the Regional Consultative Group for Central America, as one of its more immediate tasks, to convene a meeting of cooperating agencies to expand existing mechanisms for international cooperation and identify new ones, in order to supplement national efforts.

4. We undertake to elaborate a proposal for updating and harmonizing national laws on the family, from the new perspective of protecting and promoting the rights of families, and we instruct the Council for Social Integration and the corresponding national institutions to draw up such a proposal in consultation with the Central American Court of Justice and the Central American Parliament.

5. We undertake to consolidate the national offices for women in each country, elevating them to the rank of high-level governmental decision-making bodies, so that they can support the advancement of women. We likewise undertake to design and put in place mechanisms to guarantee equal opportunities for women with respect to training, employment, production resources and new technologies, promoting their full participation in the democratic process, in public administration at the national and local levels and in such decision-making bodies as society as a whole may see fit.

6. In fulfilment of the agreements entered into at the World Summit for Children and with emphasis on the Nariño Commitment, we enjoin the corresponding national institutions to review and update their national plans for children and to transmit that updated information to the Council for Social Integration by no later than July 1995, so that it can consolidate and analyse the progress made and assign increased resources for comprehensive child welfare programmes.

7. We undertake to draw up a Central American plan of action for the technical and vocational training of the labour force, involving greater private-sector participation, horizontal cooperation and the incorporation into training curricula of advances in science and technology, changes in production processes and new market trends. To this end, we enjoin the Ministers of Education and

Labour, in coordination with the corresponding national institutions, to draw up the above-mentioned plan and submit it to the Council for Social Integration.

8. We undertake to prepare a proposal containing mechanisms to help micro- and small enterprises and the informal sector increase their productivity and become more fully integrated in the formal economy. In this regard, we enjoin the Ministers of Planning or Social Affairs, in coordination with the corresponding national and regional bodies, to prepare the proposal, which should also provide for the streamlining of governmental mechanisms in order to help achieve this objective. The proposal will have to be submitted to the Council for Social Integration in October 1995.

9. We undertake to develop a programme of health education and promotion which encourages comprehensive health, reinforces healthy lifestyles and develops responsibility for individual and collective health, fostering community participation and horizontal cooperation. We therefore instruct the Ministers of Education and Health jointly to undertake, by no later than the last quarter of 1995, the relevant action to comply with this mandate.

10. We enjoin the Council for Social Integration to undertake, in coordination with the Meeting of the Central American Health Sector, the relevant action to identify funding mechanisms to permit the implementation of phase III of the Central American Health Initiative.

11. We undertake to formulate and implement a regional programme of training and exchanges of experience on the modernization of public sector institutions, particularly in the social field, in order to achieve greater efficiency, quality and coverage in the provision of services and greater transparency and responsibility in the use of resources. We entrust that activity to the national bodies responsible for modernization so that, with the support of the Central American Institute of Public Administration, they can submit to the Council for Social Integration, by no later than September 1995, a programme proposal that envisages sources for its funding.

12. We enjoin the Ministers of Labour and the Economy to present to the next regular Meeting of Central American Presidents a proposal on wage and job-creation policy, together with a proposal on the means of harmonizing labour, welfare and social security legislation in Central America.

13. We enjoin the Council for Social Integration to present to the next regular Meeting of Central American Presidents a follow-up report on the tasks assigned to the Council in the present Programme of Immediate Action for Investment in Human Capital pursuant to the Declaration of San Salvador II.

14. We hereby agree to request the Inter-American Development Bank, through the Regional Consultative Group for Central America and in coordination with the United Nations Economic Commission for Latin America and the Caribbean, to supplement the action that is being taken by evaluating the operational management of the organs and institutions for Central American integration, so as to modernize them with a view to making their procedures and results more effective and efficient, in accordance with the priorities and terms of reference to be adopted by the principal coordinating body of the Central

American Integration System. To this end, we enjoin regional integration bodies to cooperate as fully as possible in this effort. The evaluation will have to be carried out with the participation of eminent Central Americans whose viewpoint is clear and objective.

15. We reiterate to the Inter-American Development Bank the high priority that we attach to having a regional strategy for human resources training which takes into account our needs in the areas of modernization of the State, labour productivity and the training of managers for subregional and hemispheric integration. We also enjoin it to attempt to streamline the national and regional bodies responsible for coordination in this area and to strengthen the specialized regional bodies. We also urge the United Nations Economic Commission for Latin America and the Caribbean to take these needs into consideration and to give us its fullest support in these efforts.

We hereby sign this Programme of Immediate Action for Investment in Human Capital pursuant to the Declaration of San Salvador II, at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

(Signed) Manuel ESQUIVEL
Prime Minister
Belize

ANNEX VII

Treaty on Central American Social Integration

The Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama,

Considering:

That they are parties to the Tegucigalpa Protocol of 13 December 1991, which created the Central American Integration System (hereinafter referred to as SICA) as a legal and institutional framework for the overall integration of Central America, and that, within that System, the social sector constitutes a subsystem for integration in the social area;

That in the general content of the aforementioned Tegucigalpa Protocol, as well as in its supplementary agreements or associated instruments and in the regional strategy known as the Alliance for the Sustainable Development of Central America, social aspects form an integral and inseparable part of the set of measures adopted by the Central American countries in the political, economic, cultural and environmental spheres;

The need to establish a legal and institutional framework in the social field, based on the premise that the human person is the centre and the primary subject of development, with the objective of ensuring a substantial improvement in the quality of life of the Central American peoples;

The importance of the active participation of the various components of civil society in bringing about the social integration of Central America, and the need to involve civil society creatively and permanently in efforts to ensure that our peoples can live together in a climate of equity, justice and development,

Accordingly decide:

To conclude this Treaty on Central American Social Integration.

SECTION I

NATURE AND CONCEPT OF THE PROCESS OF CENTRAL AMERICAN SOCIAL INTEGRATION

Article 1. The States parties undertake to bring about the social integration of Central America in a voluntary, gradual, complementary and progressive manner, in order to promote increased opportunities and a better quality of life and work for the population of Central America, ensuring that they share fully in the benefits of sustainable development.

Article 2. Social integration shall entail the implementation of a series of policies, mechanisms and procedures which, in accordance with the principle

of mutual cooperation and collective support, shall guarantee both the access of the entire population to basic services and the full development of the potential of the men and women of Central America, based on overcoming the structural determinants of poverty, which affects a large proportion of the population of the Central American region.

Article 3. This instrument, which complements and derives from the Tegucigalpa Protocol, organizes, regulates and structures the social subsystem, which covers the social area of SICA.

Article 4. The process of social integration shall be promoted through the coordination, harmonization and convergence of national social policies among themselves and with other SICA policies.

Article 5. The process of social integration shall be implemented within the legal and institutional framework of SICA, in accordance with each country's own realities, characteristics and evolution, respecting the values and cultures of the various ethnic groups and of the Central American community as a whole.

SECTION II

PRINCIPLES, OBJECTIVES AND SCOPE OF THE PROCESS OF CENTRAL AMERICAN SOCIAL INTEGRATION

Article 6. Principles. The States parties shall proceed in accordance with the following principles:

(a) Respect for life in all its forms, and recognition of social development as a universal right;

(b) The concept of the human person as the centre and subject of development, which requires the adoption of an overall approach linking the various aspects of development in order to promote sustainable social development;

(c) Consideration of the family as the essential nucleus of society and the focus of social policy;

(d) Promotion of peace and democracy as basic forms of human coexistence;

(e) Non-discrimination on grounds of nationality, race, ethnic origin, age, illness, disability, religion, sex, ideology, marital or family status or any other kind of social exclusion;

(f) Harmonious coexistence with the environment and respect for natural resources;

(g) Condemnation of all forms of violence;

(h) Promotion of universal access to health care, education, housing and healthy recreation and to decent economic activity with fair remuneration;

(i) Preservation and recovery of the region's cultural pluralism and ethnic diversity, within a framework of respect for human rights;

(j) Active support for an inclusion of community participation in the management of social development.

Article 7. Pursuant to and in fulfilment of the objectives laid down in the Tegucigalpa Protocol, the States parties shall also pursue the following objectives:

(a) To achieve the comprehensive, sustainable development of the population of Central America within a framework of equity, subsidiarity, shared responsibility and self-management, through the promotion of solidarity among societies and cooperation among individuals, families, communities and peoples in the region;

(b) To attain regional conditions of well-being and social and economic justice for peoples, within a broad regime of liberty which ensures the full development of the individual and society;

(c) To promote, in a harmonious and balanced manner, the sustainable social development of the States parties and of the region as a whole, based on the eradication of poverty, social participation and environmental protection;

(d) To encourage economic and administrative decentralization in the design and implementation of social policies;

(e) To promote equality of opportunity among all persons, eliminating practices of legal or de facto discrimination;

(f) To give priority to the promotion of investment in the human person with a view to the latter's all-round development.

Article 8. Scope. The State parties undertake:

(a) To achieve the sustainable development of the population of Central America, combining political tolerance, democratic coexistence and economic growth with social progress and ensuring the healthy functioning of ecosystems vital for human life, on the basis of an effective dialogue enabling Governments and other sectors of society to act in solidarity;

(b) To identify and tackle regional social problems jointly, within a framework of sustainable development;

(c) To promote the gradual and progressive harmonization of their social policies, with the object of laying the foundations for a Central American Community;

(d) To take advantage of economies of scale and various strengths in the social field, promoting horizontal cooperation;

(e) To improve and strengthen the allocation of resources in the area of social spending and investment in order to overcome the structural determinants of poverty, giving priority to the least advantaged groups;

(f) To propose medium- and long-term policies for ensuring the attainment of the objectives and goals of the programmes of the social subsystem;

(g) To set up mechanisms for cooperation and the exchange of methodologies, resources and technologies among the member countries;

(h) To promote the strengthening of local governments and the organization of local communities.

SECTION III

INSTITUTIONAL ORGANIZATION

Article 9. The social integration subsystem shall comprise:

1. Organs:

(a) The Council for Social Integration;

(b) The Council of Ministers of Social Affairs;

(c) The Secretariat for Social Integration.

2. Advisory body:

The advisory and consultative body composed of the spouse of the President or a personal representative of the President of each country, which shall hold regular meetings during the Meetings of Presidents and special meetings when so desired.

3. Institutions:

Those SICA institutions which deal primarily with social issues shall work directly with the social integration subsystem. Support for the attainment of the objectives of this Treaty shall be provided, in particular, by the following institutions:

(a) The Institute of Nutrition of Central America and Panama;

(b) The Central American Bank for Economic Integration;

(c) The Central American Institute of Public Administration (ICAP).

4. Consultative Committee:

The Consultative Committee on Social Integration shall be composed of the various representative sectors of the region which are involved in the Central American social integration effort.

Article 10. Such other entities or institutions as are established or recognized by the States parties during the social integration process shall also form part of the social integration subsystem. The institutions referred to in article 9, paragraph 3, shall retain their full functional autonomy in accordance with their respective constituent treaties or agreements.

Article 11. The Council for Social Integration:

1. The Council for Social Integration shall be composed of the coordinating minister of the social cabinet of each country and, in his or her absence, the deputy minister.

2. The Council for Social Integration shall have, inter alia, the following functions:

(a) To comply with and enforce the provisions of this Treaty;

(b) To coordinate and promote the social integration subsystem;

(c) To formulate, evaluate and update regional social policy, with a view to putting together a programme of work that will make it possible to rationalize and coordinate social development efforts. The guidelines to be adopted by the Meeting of Central American Presidents in this regard and the overall policies deriving from supplementary instruments shall form an integral part of this Treaty;

(d) To promote the coherence of agreements reached by Central American social bodies;

(e) To establish criteria and formulate proposals for joint participation by the Central American countries in international meetings or forums dealing with social issues;

(f) To promote and follow up the social agreements adopted at the Meetings of Presidents, elaborating, analysing and transmitting proposals in the social area for presentation, through the competent bodies, in accordance with the provisions of the Tegucigalpa Protocol;

(g) To mobilize the necessary institutional, human and financial resources for carrying out regional initiatives defined by the Council, in accordance with the mechanisms established by SICA;

(h) To meet with representatives of ministries in other areas if the interrelationship of social issues so warrants;

(i) To perform any other function which the Meetings of Presidents may establish in the area of social integration.

3. The Council for Social Integration shall meet during the Meetings of Presidents, and whenever it deems appropriate, to coordinate and promote the social integration process, and may convene meetings of the advisory body in exercise of its functions.

Article 12. The Council of Ministers of Social Affairs shall comprise the Meeting of Ministers for each social area, which shall consider specific topics of relevance to its work and within its sphere of competence, and the Intersectoral Meeting of Ministers for these areas, which shall coordinate decisions regarding Central American social integration. To this same end, similar meetings of representatives of specialized national entities not included in this section may also be held.

Article 13. Secretariat for Social Integration:

The Secretariat for Social Integration shall be the technical and administrative organ of the Central American social integration process. It shall also act as secretariat for those organs which do not have their own secretariat.

The Secretariat for Social Integration shall be headed by a Secretary appointed by the Council for Social Integration for a period of four years. The Secretary shall be the legal representative of the Secretariat.

The Council for Social Integration shall regulate the administrative and budgetary organization and define the functions and attributes of the Secretariat for Social Integration.

Article 14. The Secretariat for Social Integration shall have the following functions:

(1) To ensure, at the regional level, the proper implementation of this Treaty and other legal instruments concerning regional social integration, and the implementation of decisions of the organs of the social subsystem;

(2) To monitor the attainment of the objectives and goals of programmes and projects defined within this framework;

(3) To carry out such activities as the Council for Social Integration assigns to it. It shall have the power to make proposals concerning social issues;

(4) To serve as liaison for the activities of the sectoral secretariats of the social subsystem and to ensure coordination with the General Secretariat of the Central American Integration System in accordance with the provisions of article 8 of the Tegucigalpa Protocol and in exercise of its functional autonomy.

Article 15. Meetings:

1. Meetings of organs of the social integration subsystem shall be convened by means of written notification from the respective secretariats and by agreement of their members.

2. The presence of a simple majority of representatives of all the member countries shall constitute a quorum for such meetings.

3. If, for lack of a quorum, a meeting cannot be held on the date indicated in the first notification, it may be held on the date specified in a second notification to consider the same agenda and with such members as are present. If the agenda includes an item which relates solely and exclusively to a given country, it shall not be discussed unless the country concerned is present, without prejudice to the consideration of other items on the agenda.

4. Decisions of organs of the social subsystem shall be adopted by a consensus of their members, which may be reached through meetings and/or through official written communications. The absence of a consensus shall not prevent the adoption of decisions by some of the countries, but such decisions shall be binding only on those countries. If a member country has not attended a meeting of the organ in question, it may inform the respective secretariat in writing that it endorses the decision.

Article 16. The Consultative Committee on Social Integration shall be a sectoral committee of a purely consultative nature. It shall advise the Secretariat for Social Integration and shall work with the Consultative Committee of SICA in the context of article 12 of the Tegucigalpa Protocol.

SECTION IV

ADMINISTRATIVE ACTION

Article 17.

1. Administrative action by the social integration subsystem shall take the form of resolutions, regulations, agreements and recommendations.

2. Resolutions shall be binding actions through which the Council for Social Integration and the Council of Ministers of Social Affairs, within their respective spheres of competence, take decisions relating to the internal affairs of the subsystem.

3. Regulations shall be general actions which are binding in all their aspects and directly applicable in all the States parties.

4. Agreements shall be specific or individual in nature and shall be binding on those concerned.

5. Recommendations shall contain guidelines which are binding only as regards their objectives and principles and serve for the drafting of resolutions, regulations or agreements.

6. The secretariats of organs of the social subsystem shall provide the Secretariat for Social Integration with a record of all their decisions.

7. Resolutions, regulations and agreements shall be deposited with the General Secretariat of SICA and shall enter into force on the date on which they are adopted, unless another date is specified therein.

8. Resolutions and regulations shall be published in the official gazettes of the States parties.

SECTION V

SPECIAL AND FINAL PROVISIONS

Article 18. The Secretariat for Social Integration shall have legal personality under international law and shall sign a headquarters agreement with the Government of the State in which it is located.

Article 19. It shall have its headquarters in Panama City, Republic of Panama.

Article 20. The organs, institutions and staff of the social integration subsystem shall enjoy in the territory of the States parties the privileges and immunities which those States grant to regional institutions within the framework of SICA.

Article 21.

1. This Treaty shall be submitted for ratification in each signatory State, in accordance with its respective constitutional norms and norms of ordinary law.

2. The instruments of ratification shall be deposited with the General Secretariat of SICA.

3. This Treaty shall be of indefinite duration and shall enter into force, for the first three depositors, eight days after the date of deposit of the third instrument of ratification and, for the others, on the date of deposit of their respective instruments of ratification.

4. This instrument may be denounced by any of the parties. Such denunciation shall take effect five years after it is presented, but the Treaty shall remain in force among the other States for as long as at least two of them remain parties thereto.

Article 22. This Treaty shall be deposited with the General Secretariat of SICA which, on its entry into force, shall send a certified copy thereof to the

Secretariat of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

Article 23. No reservations whatsoever shall be made to this Treaty.

Transitional article. Until such time as a financing system is established, the States parties shall continue to contribute to the operating costs of the Secretariat for Social Integration.

IN WITNESS WHEREOF, the Presidents of the Central American Republics sign this Treaty, which shall be known as the Treaty of San Salvador, at Cerro Verde, Republic of El Salvador, on 30 March 1995.

(Signed) José María FIGUERES OLSEN
President
Republic of Costa Rica

(Signed) Armando CALDERON SOL
President
Republic of El Salvador

(Signed) Ramiro DE LEON CARPIO
President
Republic of Guatemala

(Signed) Carlos Roberto REINA
President
Republic of Honduras

(Signed) Violeta BARRIOS DE CHAMORRO
President
Republic of Nicaragua

(Signed) Ernesto PEREZ BALLADARES
President
Republic of Panama

UNITED NATIONS

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19 May 1995

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Forty-ninth session
Agenda item 118 (a)

FINANCING OF THE ACTIVITIES ARISING FROM SECURITY COUNCIL RESOLUTION 687 (1991): UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions (ACABQ) considered the report of the Secretary-General on the financing of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) (A/49/863). During its consideration of the report, the Advisory Committee met with representatives of the Secretary-General, who provided additional information at the meeting and subsequently in writing.

2. UNIKOM was established by Security Council resolution 687 (1991). By its resolution 689 (1991), the Council decided to review the question of the termination or continuation of UNIKOM every six months. In October 1994, the Security Council decided to review the question by 8 April 1995. By a letter (S/1995/280) dated 10 April 1995 from the President of the Security Council, the Secretary-General was informed that, in accordance with resolution 689 (1991), the Council had decided to review the question once again by 7 October 1995.

3. The Secretary-General's report was issued on 29 March 1995, just before the end of the ACABQ winter session and the resumed session of the Fifth Committee. The report did not contain comprehensive information on certain important projects being undertaken by UNIKOM. Pending submission of the required information and to maintain legislative authority for meeting the expenses of UNIKOM, the General Assembly, on the recommendation of the Advisory Committee, provisionally approved an amount of $12 million net for the maintenance of UNIKOM for the period from 1 April to 30 June 1995, two thirds of that amount to be funded from voluntary contributions from the Government of Kuwait.

4. On that basis, the General Assembly also authorized the Secretary-General to enter into commitments in an amount of $4 million net, representing one third

of the cost of the maintenance of the Mission, in addition to the $8 million to be made available by the Government of Kuwait.

5. The Secretary-General's report contains, inter alia, cost estimates for the 8-month period from 1 November 1994 to 30 June 1995 and, in order to adjust to the financial periods as called for in General Assembly resolution 49/233, cost estimates for the 12-month period from 1 July 1995 to 30 June 1996. As indicated in the report, the cost for the 8-month period from 1 November 1994 to 30 June 1995 is estimated at $43,718,300 gross ($41,997,500 net) while the cost for the 12-month period from 1 July 1995 to 30 June 1996 is estimated at $63,912,000 gross ($61,298,000 net).

6. Annex XI to the Secretary-General's report shows the resources made available to UNIKOM as well as the operating costs from its inception on 9 April 1991 up to 31 March 1995.

7. The Secretary-General's report also contains the financial performance of the Mission for the period from 1 November 1993 to 31 October 1994. As indicated in paragraph 25 of the report, for the period from 1 November 1993 to 31 October 1994, total expenditures amounted to $58,830,600 gross ($56,755,600 net), resulting in an unencumbered balance of $11,169,400 gross ($10,997,700 net) of which $7,800,000 has already been credited to Member States. As indicated in the report, the unencumbered balance was due primarily to the lower number of military and civilian personnel on board during the period, the supply of various engineering equipment and vehicles by the host Government for which estimates for rental had been included in the budget and the emplacement of only three helicopters instead of the six originally planned.

8. The Advisory Committee was informed that, as at the end of February 1995, unliquidated obligations amounted to $6.7 million, while as at the end of March 1995, the amount was $4.6 million. Paragraph 29 of the Secretary-General's report indicates that full reimbursement of troop costs in accordance with standard rates of reimbursement has been made for the period ending December 1994. The Advisory Committee was informed that reimbursement has been made in full up to March 1995.

9. With regard to voluntary contributions, as indicated in paragraph 16 of the Secretary-General's report, an amount of $58,273,500, representing two thirds of the cost of UNIKOM for the period from 1 November 1993 to 31 March 1995, has been received from the Government of Kuwait, in addition to 35 vehicles for use by the Engineering Unit of UNIKOM. Two fixed-wing aircraft with crew were provided by the Government of Switzerland; however, this service was discontinued as of 31 December 1994.

10. It may be recalled that, in resolution 48/242, the General Assembly authorized, as an exceptional measure, the Secretary-General to enter into commitments up to the amount of $5.5 million gross ($5,312,800 net) per month, inclusive of the two-thirds share to be met from voluntary contributions from the Government of Kuwait, for the maintenance of UNIKOM for the period from 1 May to 31 October 1994, one third of the full amount to be assessed among Member States.

11. In addition, the Assembly, by the same resolution, decided that, on an experimental basis, the Secretary-General could enter into commitments up to the amount of $5.5 million gross ($5,312,800 net) per month, inclusive of the two-thirds share to be met through voluntary contributions from the Government of Kuwait for the period from 1 November 1994 to 31 March 1995, one third of the full amount to be assessed among Member States.

12. In reviewing the Secretary-General's report, the Advisory Committee recalled that UNIKOM's headquarters is at Umm Qasr, with liaison offices in Baghdad and Kuwait City and a logistics base at Doha. The Committee was informed that the logistics base was in the process of being moved from Doha to facilities in Kuwait City. Additionally, the Advisory Committee was informed that a project to consolidate facilities in the new UNIKOM Support Centre in Kheitan and Umm Qasr headquarters has been under way since January 1995 and is expected to be completed in July 1995.

13. The Secretary-General's report, however, does not contain comprehensive information on the relocation of the Doha logistics base and the new Support Centre and the impact of these projects on the various items of expenditure. The Advisory Committee therefore had requested that that information be provided to it, including the administrative and financial implications of the relocation and facilities at the new Support Centre, in order for the Committee to assess the requirements in their totality.

14. From the information provided to it, the Advisory Committee notes that the relocation of the Doha logistics base to the Support Centre at Kheitan was made at the request of the Kuwaiti Government. UNIKOM agreed in principle to vacate the Doha logistics base as long as the Kuwaiti Government would provide equivalent or better facilities.

15. In response to the Government's request for relocation, UNIKOM established a reconnaissance team for the purpose of inspecting alternative sites offered by the Kuwaiti Government. A former school complex at Kheitan, approximately 10 kilometres south of the centre of Kuwait City and easily accessible from sea as well as the airport, was considered as the most viable relocation site.

16. However, the complex required extensive repairs, renovation, adaptation and construction work for use by UNIKOM. Since the complex has been provided by the host Government free of charge to UNIKOM and the cost of major renovation work was also borne by the Government, no comparison of costs was conducted. The Advisory Committee was informed that the complex had been provided to UNIKOM in accordance with the status-of-mission agreement.

17. The Advisory Committee inquired as to the advantages, if any, of relocating the logistics base from Doha. The Committee was informed that the UNIKOM Support Centre consolidates part of the former Doha logistics base, the liaison office in Bayan and the Jabriya accommodation complex located in and around Kuwait City. The decision to consolidate the UNIKOM offices and other facilities in Kuwait was made to improve and facilitate coordination of all UNIKOM administrative and logistics operations in Kuwait. The consolidation at the Support Centre also eliminated travelling time between the former three

locations, thus reducing costs in view of the consolidation of the communications systems, transport costs and administrative support services.

18. The Advisory Committee was also informed that part of the workshops, warehouses and stores that were located at Doha need to be moved to Camp Khor, since the facilities in the Support Centre in Kheitan are not large enough or adequate to accommodate the full range of activities and storage facilities that were in Doha. However, it is believed that relocation of these facilities to Camp Khor would also enhance the logistics efficiency in view of the proximity to the demilitarized zone (DMZ). Construction of the these facilities has been scheduled to commence in April 1995 with about 10 per cent of the project expected to be completed by June 1995. The remainder is expected to be completed by October 1995.

19. As indicated above, the Advisory Committee also requested and received information on the financial implications and estimated costs to UNIKOM in respect of the Support Centre for the periods from 1 November 1994 to 30 June 1995 and from 1 July 1995 to 30 June 1996 amounting to $974,900, of which $354,000 represents recurrent costs and $620,900 non-recurrent costs.

20. The comments below are with regard to cost estimates for the periods from 1 November 1994 to 30 June 1995 and 1 July 1995 to 30 June 1996. The Advisory Committee believes that it is somewhat difficult to compare estimates for these budget periods with the period covered by the financial performance report (1 November 1993 to 31 October 1994) accurately, given that the amounts estimated for personnel and other items were not fully utilized (see para. 7 above). However, the Committee is of the view that savings may be realized under a variety of objects of expenditure in line with the experience gained during the previous mandate periods.

Personnel costs

21. With regard to mission subsistence allowance for all military personnel and international staff as indicated in annex IV of the report, cost estimates are based on United Nations-provided accommodation, except for Baghdad, and are at the rate of $115 per day in Kuwait and the DMZ and $125 per day in Baghdad. The rates are subject to supplements of 10 plus 25 per cent for staff at the D-1 and assistant secretary-general levels respectively; the subsistence rate for Baghdad however is not subject to any supplement.

22. For the budgeted periods, provision is made for a force strength of 255 military observers, 910 contingent personnel and up to 259 internationally and locally recruited personnel. As indicated in paragraph 7 of annex IV to the Secretary-General's report, 45 military observers are on standby and no provision has been made for them in the cost estimate. Should it become necessary to deploy them to the mission area, the Secretariat intends to revert to the Advisory Committee in the event that additional funds are required for this purpose.

23. The Advisory Committee reiterates its view that the overall question of staffing, with regard to both military and civilian personnel, should be kept

under review within the objective of effecting appropriate reductions whenever possible.

Transport operations

24. The Advisory Committee notes that the requirements for the purchase of 11 additional vehicles (for a total of 256 United Nations-owned vehicles) during the period from 1 November 1994 to 30 June 1995 are estimated at $257,200 (A/49/863, annex IV, para. 49). Total related expenditure for spare parts, repairs and maintenance of the 256 vehicles as well as 182 contingent-owned vehicles is estimated at $738,900 (A/49/863, annex IV, para. 52). Expenditure for petrol, oil and lubricants is estimated at $515,900, with petrol costs estimated at $0.82 per gallon.

25. The Advisory Committee notes that, for the period from 1 July 1995 to 30 June 1996, the cost estimate of $726,800 provides for the replacement of 20 vehicles. Total related expenditure for spare parts, repairs and maintenance of 283 United Nations-owned vehicles and 188 contingent-owned vehicles is estimated at $1,215,600 (A/49/863, annex V, para. 22). Estimated expenditure for petrol, oil and lubricants for the fleet has been given as $1,008,600 with petrol costs estimated at $1.10 per gallon as compared with $0.82 per gallon during the previous budget period. The Advisory Committee notes a similar increase in the cost of aviation fuel for the two budget periods.

26. The Advisory Committee questions this increase in the estimates for petrol, oil and lubricants and reiterates its request to the Secretary-General to ascertain whether some portion of these items could be made available by the host Governments free of charge or at a rate lower than that used in the estimate.

27. The Advisory Committee also questions the increase in the estimates for vehicle insurance from $400 per vehicle for the period from 1 November 1994 to 30 June 1995 (A/49/863, annex IV, para. 56) to $500 per vehicle for the period from 1 July 1995 to 30 June 1996 (A/49/863, annex V, para. 26).

Air operations

28. The Advisory Committee notes from annex III to the report of the Secretary-General that an amount of $26,400 has been estimated for landing fees and ground handling for the 8-month period from 1 November 1994 to 30 June 1995, while for the 12-month period from 1 July 1995 to 30 June 1996 the annex shows an amount of $44,500. Paragraph 72 of annex IV to the Secretary-General's report indicates that provision has been made for ground-handling charges for one fixed-wing aircraft at $3,300 per aircraft per month. No explanation for the increase has been given in the narrative section for the period from 1 July 1995 to 30 June 1996 (A/49/863, annex V), which in fact does not mention the item at all.

29. Bearing in mind its foregoing comments and observations, the Advisory Committee recommends that the General Assembly approve a final total amount of $43 million gross ($41,279,200 net) for the maintenance of the Mission for the period from 1 November 1994 to 30 June 1995 since two thirds of the net amount

equivalent to $27,519,500 would be funded from voluntary contributions from the Government of Kuwait; the General Assembly should appropriate and assess an amount of $15,480,400 gross ($13,759,700 net), representing one third of the cost of the maintenance of the Mission for the period from 1 November 1994 to 30 June 1995.

30. For the period from 1 July 1995 to 30 June 1996, the Advisory Committee recommends that the General Assembly approve an amount of $60 million gross ($57,386,000 net) for the maintenance of the Mission, should the Security Council decide to continue UNIKOM. Two thirds of the net amount would be funded from voluntary contributions from the Government of Kuwait. On this basis, the Advisory Committee recommends that, subject to the decision to be taken by the Security Council with regard to the question of the continuation or termination of UNIKOM, the General Assembly authorize the Secretary-General to enter into commitments up to the amount of $1,811,900 million gross ($1,594,100 net) per month, representing one third of the cost of maintenance of UNIKOM, which would be assessed on Member States, in addition to the two-thirds amount of $3,188,100 per month to be funded by voluntary contributions from the Government of Kuwait.

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Forty-ninth session
Agenda item 74
PROTECTION AND SECURITY OF
SMALL STATES

SECURITY COUNCIL
Fiftieth year

Letter dated 22 May 1995 from the Permanent Representative of Ecuador to the United Nations addressed to the Secretary-General

I have the honour to transmit to you a press release issued by the Ministry of Foreign Affairs of Ecuador on 19 May 1995 (see annex I), which expresses the Ministry's views regarding the statement by the Guarantor Countries of the Rio de Janeiro Protocol on the peace process between Ecuador and Peru of 1942, drawn up in Brasilia on the same date (see annex II).

I should be grateful if you would have this letter and its annexes circulated as a document of the forty-ninth session of the General Assembly, under agenda item 74, and of the Security Council.

(Signed) Luis VALENCIA RODRIGUEZ
Permanent Representative

95-15267 (E) 240595 240595 250595

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ANNEX I

Press release issued on 19 May 1995 by the Ministry of Foreign Affairs of Ecuador

This afternoon, the Ministry of Foreign Affairs of Ecuador received the statement by the Guarantor Countries of the Rio de Janeiro Protocol of 1942 on the peace process between Ecuador and Peru, in which the Guarantor Countries note with satisfaction that it was possible to follow the path of a peaceful solution to the conflict between the two countries, a conflict which "constitutes a threat to the peace and prosperity of the region".

The statement notes that the results achieved are a consequence of the Guarantor Countries' political commitment at various levels. Ecuador is grateful for such efforts and has joined them with the firm conviction that peace is the supreme good and must be safeguarded in relations between States.

The Ministry of Foreign Affairs wishes to emphasize the importance of paragraphs 6 and 7 of the statement. Paragraph 6 states that the Coordinator of the Ecuador-Peru Military Observer Mission will transmit to the Parties a recommendation on the establishment of the zone to be demilitarized. Paragraph 7 leaves open the possibility of extending the Observer Mission's initial 90-day mandate "if the Parties so desire".

In this regard, the Ministry of Foreign Affairs should like to reiterate that the Government of Ecuador promptly informed the Guarantor Countries of its position regarding the demilitarized zone in order to provide the necessary background for their recommendation which, in accordance with paragraph 6 of the Statement, will be transmitted to General César Durán, the Liaison Officer between Ecuador and the Mission.

On 16 May 1995, the Ministry of Foreign Affairs transmitted to the Ministers for Foreign Affairs of Argentina, Brazil, Chile and the United States of America its request for a 90-day extension of the Observer Mission in view of the continuing precariousness of the situation in the border zone.

The Guarantor Countries appeal to the Parties to comply with the commitment undertaken in the Itamaraty Peace Declaration to "initiate bilateral talks in order to find a lasting solution to the remaining impasses", and also support a relaxation of bilateral relations, the normalization of border trade and the creation, through dialogue, of the "conditions necessary for consolidating peace within a positive dynamic process based on good faith and mutual trust, in accordance with the desires of the international community".

As public opinion is well aware, the Ministry of Foreign Affairs has maintained its position to pursue, in the most appropriate manner, the process of separation of forces, demobilization and demilitarization as provided in the Itamaraty Peace Declaration with a view to creating a climate conducive to the eventual negotiation of a just and fitting agreement on the solution of the territorial issue with Peru.

ANNEX II

Statement by the Guarantor Countries of the Rio de Janeiro Protocol of 1942 on the peace process between Ecuador and Peru, drawn up in Brasilia on 19 May 1995

1. The Guarantor Countries of the Rio de Janeiro Protocol of 1942 (Argentina, Brazil, Chile and the United States of America) met at the level of high-ranking officials in Brasilia from 17 to 19 May 1995 in order to evaluate the implementation of the Itamaraty Peace Declaration of 17 February 1995.

2. The Guarantor Countries noted with satisfaction that it was possible, within the framework of the Rio de Janeiro Protocol of 1942, to follow the path of a peaceful solution to the conflict between two American nations, which constitutes a threat to the peace and prosperity of the region.

3. The positive results achieved are in keeping with the political commitment of the Guarantor Countries, which, throughout intense diplomatic negotiations conducted at various levels, including that of heads of State, have been endeavouring to maintain peace between the Parties.

4. As an indication of the new stage in the peace process, the Observer Mission is about to complete its mandate. The total separation of forces in the area of the conflict was achieved on 3 May and a gradual and reciprocal demobilization was completed on 13 May.

5. The Guarantors expressed their appreciation for the high sense of professional duty on the part of the military contingents which make up the Ecuador-Peru Military Observer Mission as well as the good political will and cooperation of the Parties.

6. In order to implement point 3 of the Peace Declaration, the Guarantor Countries will instruct the Observer Mission, through their Coordinator, to transmit to the Parties through the liaison officers, a recommendation on the establishment of a zone to be totally demilitarized.

7. They recalled point 1 of the Peace Declaration, which provided that the initial duration of the Observer Mission in the area of conflict would be 90 days. In order to monitor subsequent stages in the peace process and promote a climate of understanding, the Guarantor Countries express their readiness to maintain - if the Parties so desire - the presence of the Observer Mission. To that end, they deem it necessary to adapt the Mission's size and mandate to the current conditions in the peace process. The military representatives of the Parties should participate to a greater extent in this new stage of the Observer Mission. The terms and time-frame for the continuation of the Mission would be the subject of appropriate agreements with the Parties, as provided for under the Peace Declaration.

8. The Guarantor Countries reiterate once again that they consider it essential for the Parties to carry out, in the short term, the commitment undertaken in the Itamaraty Peace Declaration to initiate bilateral talks in order to find a lasting solution to the remaining impasses.

9. Reaffirming their statement of 17 February 1995, the Guarantor Countries express, moreover, the strong commitment to continue their efforts, assistance and cooperation with the Parties until the Itamaraty Peace Declaration is fully implemented.

10. In this regard, they recommend that the Parties should accept the offer by the International Committee of the Red Cross to use its good offices in order to facilitate the exchange of civilian and military prisoners and carry out other activities of a humanitarian nature.

11. They also call upon the Parties to take concrete and effective steps to remove the explosive devices that have been causing the loss of human life.

12. They urge the Parties to take initiatives aimed at bringing about a gradual relaxation in bilateral relations, such as the normalization of border trade, bearing in mind the legitimate aspirations of their peoples, development and common prosperity.

13. In order to strengthen peace and friendship between the Parties, the Guarantor Countries call upon them to create, without further delay, by means of a free-flowing diplomatic dialogue, the conditions necessary for consolidating peace within a positive dynamic process based on good faith and the promotion of mutual trust, in accordance with the desires of the international community.

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ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS: FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

Support account for peace-keeping operations

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the support account for peace-keeping operations (A/49/717 and Corr.1). During the consideration of the report, the Committee met with representatives of the Secretary-General, who provided additional up-to-date information.

2. The Advisory Committee recalls that it had previously considered the report of the Secretary-General but, owing to time constraints, had made only brief comments and recommendations on the subject in its report of 13 December 1994 (A/49/778).

3. The Advisory Committee's report of 24 June 1994 (A/48/955) provided detailed background information on the support account, but the Committee considered it useful to outline in the present report once again the major developments concerning the support account for peace-keeping operations.

4. The Committee recalls that, prior to the establishment of the support account for peace-keeping operations effective 1 January 1990, support was provided from the separate budgets of the then-existing peace-keeping operations. This support related to what were called "overload" posts, a concept that first appeared in the budget for the United Nations Emergency Force (UNEF). For example, the report of the Secretary-General on UNEF of 9 October 1957 contained the estimated costs of UNEF for the first financial period from November 1956 to 31 December 1957. In that report, it was indicated that 31 posts had been "established in New York and Geneva to alleviate

overloads caused by UNEF operations" (A/3694, annex I, sect. I (b) (v)). Thus, "overload" posts, as the name implies, were created to deal with the additional workload at Headquarters locations caused by a peace-keeping operation. Each overload post was specifically paid for by the particular operation that it supported. As the number of peace-keeping operations multiplied, it became clear that, in actual practice, it was very difficult to state that a particular post related to only one operation, since the incumbents performed their tasks with respect to any number of operations interchangeably. It was in an effort to rationalize what had become an arbitrary practice of assigning particular overload posts to particular peace-keeping operations that the unified support account concept emerged.

5. The Secretary-General, in his report of 18 September 1990 (A/45/493), recalled that, during the course of the forty-fourth session of the General Assembly, he had submitted a report to the Advisory Committee on the administrative and budgetary aspects of the financing of the United Nations peace-keeping operations (subsequently issued as document A/C.5/44/45). In that report, he had proposed, inter alia,

> "... a change in the arrangements that were in place for the provision of overload posts financed from the budgets of the ongoing peace-keeping operations that were financed outside the United Nations programme budget for the biennium. These posts are provided to supplement the provisions under the regular budget for managerial, legal, technical and administrative support and backstopping of good offices and peace-keeping operations. The proposed change excluded the overload posts provided by the United Nations Transition Assistance Group (UNTAG), as this operation was due to end on 31 March 1990 and did not seek additional appropriations for 1990. The proposal indicated, instead, a need to establish a formula that would apportion the costs of the overload posts in a more equitable manner, by including in all future budgets of good offices and peace-keeping operations, financed outside the regular budget, a financial provision calculated on the basis of a fixed percentage rate of the costs of the civilian component, that is, the United Nations staff members serving in the mission area, for salaries, common staff and travel costs. The income generated from the application of the percentage rate would be maintained in a separate account for support of peace-keeping operations against which temporary posts would then be established. At the end of the financial period, any unencumbered balance would remain in the account for the purpose of providing assistance to the offices dealing with peace-keeping matters during periods of peak workload, such as when new peace-keeping operations are being established."

6. Taking into account the positive reaction (in principle) shown by the Advisory Committee (see A/44/868), the Secretary-General proposed that, beginning in 1991, the financing of the overload posts would be through the inclusion of an amount equal to 8.5 per cent of the cost of the civilian component of each mission (salaries, common staff costs and travel only) in the respective budgets of peace-keeping operations. That percentage was derived from the relationship of the aggregate cost of 92 overload posts existing at that time, to the aggregate cost of the civilian mission posts approved for the

five peace-keeping operations excluding UNTAG. As indicated in paragraph 18 of document A/45/493:

> "Information on the posts charged to the support account would be contained in the relevant sections and subsections of the proposed programme budget covering the offices involved. For its review the Advisory Committee would also be provided with a report every two years on the support account as a whole that would include the amounts of the allotments allocated and expenditures incurred during the financial period and the Secretary-General's proposals for the succeeding financial period."

7. In its report (A/45/801, para. 14), the Advisory Committee, while accepting the concept of a support account, indicated that it had some reservations regarding the application of an "across-the-board" percentage that might not reflect the varied requirements of different peace-keeping operations, both current and future. Under the circumstances, the Advisory Committee, while taking note of the percentage recommended by the Secretary-General, was of the view that whatever percentage was approved by the General Assembly should be viewed as a first step. The Advisory Committee further indicated that it intended to keep both the percentage approved as well as the methodology on which it was based under review, together with data on the unencumbered balance, each time it examined proposals regarding the establishment, extension or termination of peace-keeping operations. The Assembly, by its resolution 45/258 of 3 May 1991, endorsed the proposal contained in document A/45/493 as supplemented by some observations and recommendations of the Advisory Committee.

8. The Secretary-General, in paragraph 24 of his report of 12 November 1992 (A/47/655 and Corr.1), had pointed out that the use of the approved percentage of 8.5 had not provided an excessive level of resources in the support account. The Advisory Committee was subsequently informed that the unencumbered balance in the support account, which had increased from $2.5 million at the end of 1991 to $10 million at the end of 1993, was attributable, on the one hand, to the restraint exercised at the various stages of the process in addressing requests from the Secretariat units for additional resources and, on the other hand, to the fact that, owing to lengthy and restrictive recruitment procedures, many of the posts approved had not been filled for the entire duration of the authorized period and, consequently, the authorized amounts were not expended. It is this lengthy recruitment process that causes posts to remain unfilled while a backlog exists. The Advisory Committee has recently been informed that the unencumbered balance projected for end December 1994 is preliminarily estimated at $9.8 million as at 27 March 1995. The Committee requests the Secretary-General to provide an explanation of how recruitment procedures cause delays in the filling of authorized posts and how efforts to avoid delay may lead to a possible geographical imbalance in the distribution of posts, as well as lapses in classification procedures. The Secretary-General should suggest measures for streamlining the process so as to ensure optimum utilization of funds made available for the support account, as well as compliance with personnel and financial rules and regulations of the Organization. The Secretary-General should also provide sufficient information, in each report on the support account, so as to assure that posts approved for specific purposes are being utilized in the manner intended.

9. In paragraph 14 of his report of 22 October 1993 (A/48/470), the Secretary-General had proposed to maintain the current methodology "in view of the simplicity and transparency of the current arrangements ... subject to certain refinements and adjustments as may be required, such as the introduction of an annualized budget estimate" as called for in paragraph 10 of the Advisory Committee's report (A/47/757). As commented upon below, the Advisory Committee believes that, while the intention may well have been to have a simple and transparent system, it has not evolved in that way.

10. In its report (A/47/757), the Committee pointed to the difficulty it had in carrying out its role of reviewing requirements for the support account on behalf of the General Assembly. The Committee pointed to questions on

> "... the appropriateness of the current funding arrangements for the support account in the absence of detailed information on the criteria for establishing posts or providing temporary assistance that had been proposed in the Secretary-General's previous report (A/45/493, para. 16), namely, workload indications, functional relationship of the proposed posts to the work plan of the office or department concerned, possibilities for redeployment of existing staff resources, the appropriateness of funding posts from the support account and of the type of contract to be offered to the incumbents, proposed grading of posts according to current classification standards, effects of new posts on the organizational structure of the unit concerned and duration of the functions of each post and availability of funding."

In paragraph 8 of that report, the Committee questioned:

> "... the use of resources from the support account for peace-keeping operations for the increased number of good offices of the Secretary-General, peacemaking and other related activities referred to in the report (ibid., para. 20), which appear to relate to core functions under international peace and security."

The Advisory Committee also recalls its observation in paragraph 9 of the report that the establishment of the support account was originally approved by the Assembly to meet the cost of posts and not for associated common services such as rental of office space. Subsequently, however, the Advisory Committee concurred in the proposal of the Secretary-General that common service costs attributable to posts financed from the support account should also be charged to the support account and recommended that that be effective 1 January 1993 (see A/47/757, para. 13).

11. The Committee recalls that, since the establishment of the support account effective 1 January 1990 and until the adoption by the General Assembly of its resolution 48/226 A of 23 December 1993, the support account was administered by the Secretary-General by way of obtaining prior concurrence of the Advisory Committee. With effect from 1994, upon the recommendation of the Advisory Committee, the Assembly has been provided with all relevant information in order for it to authorize additional posts and related costs under the support account before their establishment (see A/47/757, para. 9).

12. By its resolution 48/226 C of 29 July 1994, the General Assembly, inter alia, requested the Secretary-General to submit a report in accordance with the recommendations contained in paragraph 21 of the Advisory Committee's report (A/48/955). In that paragraph, the Advisory Committee had requested the Secretary-General to clarify, in comprehensive manner, the issues raised in connection with the rationale, scope and funding of backstopping of peace-keeping operations, taking into account, inter alia, the comments of the Committee reflected in its report (A/48/955).

13. The General Assembly, by its decision 49/469 of 23 December 1994, decided to authorize from the support account, for the period from 1 January to 30 June 1995, 346 posts, including the conversion from general temporary assistance of 4 posts (2 D-1 and 2 P-5), and the continuation of the remaining 61 posts and the position of Special Adviser to the Secretary-General financed from general temporary assistance. To cover the costs of these posts, as well as provisions for general temporary assistance, the Assembly authorized an amount of $14,191,900 for the six-month period up to 30 June 1995.

14. With regard to non-post requirements, the General Assembly authorized for the period from 1 January to 31 March 1995 resources for overtime ($52,500), travel on official business ($30,000), training ($132,400) and general temporary assistance ($77,900).

15. By the same decision (49/469), the General Assembly requested the Advisory Committee to provide a full report on the management and financing of support activities for peace-keeping operations by 15 March 1995, paying particular attention to the need for operational flexibility in response to changing backstopping requirements and to the justification for overall post requirements in this area.

16. In paragraphs 6 to 11 of his report (A/49/717), the Secretary-General discusses the question of "backstopping" of peace-keeping operations, which he defines, in general terms, as the overall direction, assistance and guidance given by departments/offices and other units, at Headquarters, for ensuring the effective planning, implementation and liquidation of peace-keeping operations. In the view of the Secretary-General, backstopping functions that are central or "core" to peace-keeping, irrespective of the number and size of operations, should be financed from the regular budget, and backstopping functions that fluctuate with the number and size of peace-keeping operations would continue to be financed from the support account, representing the variable costs to the Organization.

17. In parts III and IV (paras. 12-32) of that report, the Secretary-General deals with the issue of "core" functions and criteria for deciding which backstopping activities should be financed from the regular budget and which from the support account. The Committee has found that the criteria proposed by the Secretary-General for determining the scope and use of the support account and their application are often confusing.

18. For example, certain activities, such as "liquidation of peace-keeping operations", and "management of organizational performance", reflected in paragraph 14 of the report, which, in the view of the Committee, suppose a

direct relationship with past or existing peace-keeping operations, are nevertheless defined by the Secretary-General as core functions; on the other hand, substantive servicing of the Special Committee on Peace-keeping (see A/49/717, annex IV, para. 4), which, in the view of the Advisory Committee would appear to be a core function, is proposed to be funded from the support account.

19. The Committee notes that, while the report of the Secretary-General (A/49/717) provides in paragraphs 14 (a) to (g) a detailed summary of activities that might represent core functions, no description is provided of non-core functions, which are broadly defined as "all other activities arising from the increased volume of work related to the number and size of peace-keeping operations" (ibid., para. 15). Similarly, while the report provides in paragraphs 19, 22 and 24 a description of the core functions of departments and other organizational units, it gives no description of the non-core functions of departments and other organizational units.

20. In paragraphs 29 to 32 of the report, the Secretary-General attempts to provide further clarification on the threshold for establishing core posts to be funded from the regular budget for offices that have direct responsibilities exclusively for backstopping peace-keeping operations. The Advisory Committee notes from paragraph 30 of the Secretary-General's report that, at the time of the preparation of the present document, the number of such core posts was estimated at 88 (52 Professional and 36 General Service), i.e., 27 posts (16 Professional and 11 General Service) more than currently available under the regular budget. The Committee notes that the report of the Secretary-General does not contain a detailed justification for the estimated additional requirements, which, in accordance with paragraph 31 of the report, the Secretary-General intends to submit in the context of the proposed programme budget for the biennium 1996-1997.

21. In the opinion of the Advisory Committee, an attempt to define "core" and "non-core" may in fact lead to a time-consuming debate in the General Assembly on the nature of each and every post in an atmosphere of conflicting interests in view of the use for funding the peace-keeping support account of an assessment scale different from the one used in the regular budget. The Committee now recognizes that it may no longer be useful to continue to try to compose arbitrary and, in the end, inevitably rigid and artificial criteria for core and non-core posts and activities. The Advisory Committee believes that, after several years of experience with the support account, and also of experimentation with its use, it has become necessary to refocus on the main objective of the support account with a view to achieving better use of resources.

22. The Advisory Committee therefore recommends to maintain the concept of a support account, but to restore simplicity to the procedures for the approval of expenditures. To this end the General Assembly may wish to consider the following:

(a) The support account should continue to be financed through a charge on each peace-keeping operation equivalent to 8.5 per cent of the civilian component of that operation. It would be the intention of the Advisory Committee to keep both the percentage and the methodology for its calculation

under review, together with data on the unencumbered balance each time it examines proposals regarding the establishment, extension or termination of peace-keeping operations;

(b) Specific requests for variations of posts and other resources from previously approved levels would be considered by the Advisory Committee on behalf of the General Assembly. Proposals for variations in the number of posts would have to be justified on an individual basis, taking into account the criteria and other conditions enumerated in the Secretary-General's report (A/45/493) (see annex to the present document) and would be subject to procedures for classification as to grade. The Advisory Committee would report annually to the Assembly on the actions it has taken vis-à-vis the support account;

(c) Requests under the support account would have to be justified not only on the basis of workload and operational need but also in the context of the totality of resources available to the particular unit or programme to which such resources belong. Information on totality of resources would be available both during the exercise of approval of specific requests for backstopping as well as in the proposed programme budget to be considered by the General Assembly (see annex);

(d) Effective management in the utilization of resources in the support account is fundamentally important. The requirements of the United Nations Financial Regulations and Rules as well as the Staff Regulations and Rules must be fully and consistently respected. In its review of the support account, the Advisory Committee would monitor the application of existing regulations, rules and other procedures and, if necessary, would recommend such special provisions as may be required for posts financed through the support account. In this regard, the Advisory Committee would seek to ensure inter alia that the use of general temporary assistance is consistent with the purposes for which it was intended.

23. Should the General Assembly accept the recommendation contained in paragraph 22 above, the new arrangements could commence with effect from 1 January 1996. In this connection, the Advisory Committee should be given information regarding the support account, including data on the unencumbered balance. The Advisory Committee further recommends that the Secretary-General be requested to review all previously authorized posts in the support account so as to ensure compliance with the criteria referred to in paragraph 22 above and report thereon to the Advisory Committee. In this connection, it would be understood that all posts would be used only for purposes previously justified to the Advisory Committee and approved by the Assembly; that they would have been properly classified and that vacancy announcements will be handled in strict compliance with Staff Rules and procedures, bearing in mind paragraph 22 (d) above. It would also be expected that the contractual arrangements entered into by the organization with staff charged to the support account will allow the necessary flexibility to adjust to changing income and requirements for the account and to ensure that the United Nations does not incur additional financial obligations that exceed the authorized duration of the posts.

Requirements for 1995

24. In paragraphs 33 to 40 of his report (A/49/717), the Secretary-General outlines resource requirements for 1995. The Committee notes from paragraphs 36 and 38 that the total number of posts required for backstopping peace-keeping operations effectively is estimated by the Secretary-General at 630 (88 posts under the regular budget and 542 posts under the support account) but, in view of the limited resources in 1995, the Secretary-General is proposing under the support account a total of 431 posts for the calendar year 1995.

25. The Advisory Committee recalls that the Secretary-General had arrived at the total number of 630 posts required for backstopping peace-keeping operations effectively during the preparation of his report of 27 May 1994 (A/48/470/Add.1). Since then, the situation in United Nations peace-keeping has somewhat changed, which, in the view of the Committee, should have been duly reflected in updating the staffing requirements. Furthermore, the Advisory Committee has not received additional information on actual workload requirements and the secondment by Member States of military and civilian personnel to the Department of Peace-keeping Operations specifically requested by the Committee in paragraphs 5 and 12 of its report (A/49/778), which could have greatly contributed to the analysis by the Committee of this issue.

26. Pending receipt of the additional information referred to above and being of the view that its consideration of resource requirements for backstopping activities submitted in the context of the proposed programme budget for 1996-1997 will have an impact on resource requirements under the support account, the Advisory Committee recommends that the General Assembly extend until 31 December 1995 its previous authorization for 346 temporary posts; it will be for the Assembly to decide whether to convert the remaining positions funded from general temporary assistance to temporary posts. In view of the additional information requested, the Advisory Committee recommends that the Assembly defer, until September 1995, action on the Secretary-General's request for an additional 24 posts to be funded in 1995 from the support account.

27. During its deliberation on the subject, the Committee was informed of the intention of the Secretary-General to redeploy 10 posts (5 Professional and 5 General Service) from the Finance Management and Support Service of the Field Operations and Logistics Division, the Department of Peace-keeping Operations, to the Accounts Division and Peace-keeping Financing Division of the Department of Administration and Management. This redeployment, in the view of the Committee, would have an impact on overall requirements for staff and its distribution by offices and functions and should, since it has not yet been justified, therefore be considered in the context of overall requirements for staff under the support account.

28. With regard to non-post resources for 1995, the Committee recommends approval of such resources on the basis of requirements for the period from 1 April to 31 December 1995, as follows: $319,600 for general temporary assistance, $157,500 for overtime, $90,000 for travel on official business, $372,500 for training and $4,028,200 for common services.

Annex

EXCERPT FROM THE REPORT OF THE SECRETARY-GENERAL
CONTAINED IN DOCUMENT A/45/493

16. Proposals for the creation of posts to meet the additional workload resulting from or caused by good offices and peace-keeping activities would be checked by the Programme Planning and Budget Division against the following criteria, which are essentially the same criteria as govern the creation of posts relating to services provided by the United Nations:

(a) Workload indication;

(b) Functional relationship of the proposed post to the work plan of the office or department;

(c) Possibilities for redeployment of existing staff resources to meet the functional need that has been identified;

(d) The appropriateness of funding the post from the support account for peace-keeping operations rather than from regular budget resources and of the type of contract to be offered to the incumbent in order to preserve a flexible management of staff resources;

(e) Proposed grading of posts vis-à-vis prevailing standards for post classification (all posts are to be formally submitted to the Office of Human Resources Management for classification before authorization);

(f) The effect that the creation of the post would have on the grading and organizational structures of the unit in which it is to be placed, bearing in mind the temporary nature of the post to be created;

(g) The duration of the post functions and the availability of the current and expected funding sources.

17. These criteria would be observed in the creation of all temporary posts chargeable to the support account. Whenever the proposal involved the creation of any new post, extreme care would be exercised in the application of all of these criteria, with special emphasis on (e) and (f) above. Moreover, the approval of the Assistant Secretary-General for the Office of Programme Planning, Budget and Finance would be required in each instance, subject to prior concurrence of the Advisory Committee.

18. Information on the posts charged to the support account would be contained in the relevant sections and subsections of the proposed programme budget covering the offices involved. For its review the Advisory Committee would also be provided with a report every two years on the support account as a whole that would include the amounts of the allotments allocated and expenditures incurred during the financial period and the Secretary-General's proposals for the succeeding financial period.

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GENERAL ASSEMBLY
Forty-ninth session
Agenda item 51
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 26 May 1995 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to new violations of the airspace of the Republic of Cyprus by Turkey's military air force, which were recorded as follows:

On 3 May 1995:

(a) From 1023 to 1107 hours, two Turkish Air Force fighter aircraft entered the northern flight information region (FIR) of Nicosia, at a speed of 360 knots and at an altitude of 500 to 9,000 feet;

(b) From 1110 to 1148 hours, two Turkish Air Force fighter aircraft entered the northern FIR of Nicosia, at a speed of 429 knots and at an altitude of 3,400 to 9,000 feet;

(c) From 1121 to 1210 hours, two Turkish Air Force F-4 fighter aircraft entered the northern FIR of Nicosia, at a speed of 370 knots and at an altitude of 500 to 9,000 feet.

On behalf of the Government of the Republic of Cyprus, I wish to protest strongly these new violations of the airspace of the Republic. These aggressive actions of the Turkish Government violate the sovereignty and territorial integrity of the Republic of Cyprus and are contrary to the Charter of the United Nations as well as the resolutions of the General Assembly and of the Security Council on the question of Cyprus.

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I should be grateful if you would have the present letter circulated as a document of the forty-ninth session of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Alecos SHAMBOS
Permanent Representative

UNITED
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ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS: FINANCING OF THE UNITED NATIONS PEACE-KEEPING OPERATIONS

Death and Disability Benefits

Report of the Secretary-General

Executive summary

By its resolution 49/233 of 23 December 1994, the General Assembly requested the Secretary-General to present concrete proposals on possible revisions to the current arrangements for compensation for death or injury sustained by contingent troops in the service of United Nations peace-keeping operations. The resolution requested the Secretary-General to do this, based on the principles of:

(a) Equal treatment of Member States;

(b) Compensation to the beneficiary that is not lower than reimbursement by the United Nations;

(c) Simplification of administrative arrangements to the extent possible;

(d) Speedy settlement of claims for death and disability;

and to include information on the administrative and financial implications, for each of the following options:

(a) Current arrangements with a reasonable minimum level of compensation payable for death and disability;

(b) A system of compensation featuring standardized rates of reimbursement for death and disability;

(c) A uniform global insurance scheme to cover all troops;

(d) The current policy used for military observers, whereby reimbursement is limited to twice the annual salary excluding allowances, or $50,000, whichever is greater.

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I. INTRODUCTION

1. The present report describes the background to and development of the present arrangements for compensation for contingent troops injured or killed while in the service of the United Nations. The problems of the current system are highlighted and attention given to the continuing complaints of the troop-contributing countries. The five options proposed in General Assembly resolution 49/233 and an additional proposal of the Secretariat are compared to four acceptance criteria and matched to problems already encountered in the administration of the present method. Exact comparisons of potential costs for each option have not been possible because of the unpredictable nature of such future events. The report does indicate whether one option would be more or less costly than the present system based on past experience.

II. BACKGROUND

2. Although the earliest Staff Rules (1948) provided for compensation to civilian staff injured or killed in the course of performing their duties for the Organization, it was not until 1956 in connection with the financing of the United Nations Emergency Force (UNEF) 1/ that a position was formally stated regarding the death, injury or illness of troops attributable to their service with the United Nations. It was clearly assumed that such personnel or their dependants should qualify for pension benefits or compensation under their own national service schemes. Also, implicitly understood was the premise that the United Nations was liable for the reimbursement to Governments of the amount of such compensation. The Organization took steps in 1956 to cover this liability by recourse to commercial insurance, subject to a maximum of $25,000 per case. 2/ Although the insurance was soon dropped and the liability assumed directly by the Organization, the principle of reimbursing Governments for amounts awarded by national practices has remained unchanged.

3. In 1993, when casualties in peace-keeping operations began to increase, the practice of reimbursement was clearly reaffirmed in document A/47/733/Add.1, paragraph 24, where it was stated that "provision is made for the reimbursement to Governments of payments made by them based on national legislation and/or regulations, for death, injury, disability or illness sustained by members of their contingents and attributable to service" with the United Nations Transitional Authority in Cambodia (UNTAC). Subsequent missions have all carried such provisions for reimbursement to Governments of awards made under their national legislation.

III. CURRENT SYSTEM

4. In respect of death and disability awards, a Government claim is required to permit reimbursement of payments made to beneficiaries in accordance with national legislation and/or regulations. This claim must be appropriately certified by the Auditor-General or an official of equivalent rank or position. Supporting documentation is required as follows:

(a) A copy of the relevant national legislation and/or regulations setting forth the compensation entitlement;

(b) An explanation as to how the total compensation amounts were computed, with a breakdown of the respective entitlements included in that sum, with supporting documentation;

(c) In the case of benefits paid to the beneficiary in instalments, an actuarial calculation of the conversion of the value of the instalments to a lump sum;

(d) Medical reports/death certificate from the attending physicians;

(e) Casualty reports and board of inquiry reports. If these are unavailable, an administrative report from the immediate supervisor(s), indicating in detail the circumstances of the incident.

5. There are several problems with this arrangement. The preparation of the claim is lengthy and requires inputs from many sources. The amount of time spent in requesting and tracing the necessary supporting documents results in delay in the settlement of the claims. There has been a lack of a clear understanding as to what is acceptable in claiming compensation for death or disability, leading to further delay while the uncertainty is resolved. Currently no limit has been set by the United Nations on the amount that can be claimed by Governments, all payments being determined only by the national legislation and/or regulations.

6. The current arrangement of reimbursing Member States results in unequal treatment. Some national legislation provides continuing long-term benefits for disabled beneficiaries or dependants of the deceased, some Member States have sponsored insurance plans for their troops where only the premium is a direct expense of the Government and in other administrations there is no scheme for compensation. It would be entirely possible for national legislation to be enacted to benefit from a higher reimbursement from the United Nations than would have been received for the same injuries if sustained in service with national forces.

7. It is not entirely verifiable that the reimbursement paid by the United Nations, even when based on certification by a national authority, actually equals the amounts received by the beneficiaries, particularly when the award involves conversion of continuing benefits to a lump sum.

8. It has been impossible to budget for claims in any rational manner. The current practice is to provide for $40,000 per head for 1 per cent of the total troop strength of each peace-keeping mission. This is arbitrary and has no basis in reality.

9. There is no standing procedure in the Organization to review claims submitted by Governments for reasonableness or for authenticity of the documentation. For payment purposes, reliance is placed solely on the certification of national authorities.

10. The troop-contributing countries perceive the system as unfair because of the varying national practices and as being far too lengthy to benefit those who have suffered in a reasonable time. Both of these complaints are valid, but are inherent in the present scheme.

IV. COMPARISON OF ALTERNATIVE SCHEMES

11. In resolution 49/233, the General Assembly requested the Secretary-General to present concrete proposals on the following options:

Option 1. Current arrangements with a reasonable minimum level of compensation payable for death and disability

12. There is virtually no difference from the present method other than the guarantee of a minimum amount should provision under national legislation be lower or non-existent. All of the problems of the current system remain: the delays, the unequal treatment, the absence of an upper limit and lack of verification plus an added uncertainty whether the additional amount contributed by the United Nations over and above that mandated by the national system would actually reach the beneficiary. It is intended that the minimum amount should apply to death and that only a proportional part of that minimum amount would be paid as a lump sum in cases of disability. Depending on the minimum amount, the resulting effect is to make this option more expensive than the present scheme to varying degrees. If this option were to be chosen, it is felt that the minimum level for death should not be less than $50,000, the current lower limit for compensation of military observers and civilian police.

Option 2. System of compensation featuring standardized rates of reimbursement for death and disability

13. This option and that of a global insurance scheme have much in common. Both would provide fixed amounts in cases of death and lump-sum payments in cases of disability based on a proportional amount of the standard allowance for death. Awards would be made without reference to any national scheme or national entitlement to which the injured party or his or her dependant(s) or next of kin could also lay claim. Action could be initiated in the field on the basis of accident reports, board of inquiry reports, Provost Marshal investigations or equivalent. It would not necessarily require the submission of a claim from the injured party or from his or her Government. The supporting documentation would be available in the mission area. This has the advantage of placing the resolution of the claim close to the time and place of the incident, should clarification of the circumstances demand detailed investigation. Since all payments would be scale-based, the award could be effected immediately.

14. Under this option, disbursement could be made either through a national authority or directly to the beneficiary. It is felt that, to meet unequivocally the second criterion designated by the General Assembly, i.e. compensation to the beneficiary that is not lower than the amount paid by the United Nations, the award should be given directly to either the injured party or to a beneficiary designated by him/her in the event of death. To facilitate settlement of any future award, each contingent member would be required to

designate a beneficiary upon arrival in the mission area. Use of the national authorities for final disbursement should only be resorted to in the event that a beneficiary was not designated or if national legislation or custom prevented the United Nations from completing the award.

15. This option would satisfy the four criteria contained in resolution 49/233, equal treatment of Member States, receipt by the beneficiary of the entire payment made by the United Nations and simplicity and speed of administration. The cost of this option would depend on the limits established for awards. However, imposing an upper limit in itself would reduce the potential risk to the Organization posed by the present open-ended system.

16. All awards would be in the form of a one-time lump-sum payment. The General Assembly might wish to establish an amount for service-incurred death of US$ 50,000. No award would be made for death or injury that is deliberately self-inflicted or that results from wilful misconduct. An award for permanent disability would be a lump sum calculated as a percentage of the appropriate base amount (the award for death) according to the degree of loss of function. For this purpose awards could be based on the schedule established in appendix D to the Staff Rules (ST/SGB/Staff Rules/Appendix D/Rev.1 and Amend.1 of January 1976) (see annex I). Annex II gives a quantified example of costs using an amount of $50,000 for death and awards for injuries based on appendix D percentages for claims already settled from six missions.

Option 3. Uniform global insurance scheme to cover all troops

17. This differs from the previous option only in the manner of its funding. Past experience, beginning with the commercial insurance purchased to cover the Organization against possible liabilities in the deaths or injuries sustained by troops in UNEF in 1956 and more recently with attempts to insure troops serving with UNTAC, has shown that it is not possible for the United Nations to obtain coverage for military personnel at realistic rates.

18. The insurance companies approached in the past have mostly refused to consider coverage of any military personnel. After discussions with various insurance brokers, the Secretariat is of the opinion that it would be very difficult to obtain commercial coverage at viable rates, and that it would be cheaper to be self-insured. The Secretary-General proposes, therefore that an insurance scheme administered by the United Nations be considered. In the payment of awards and in its administration it would function exactly along the same lines described above for the second option using standardized rates and immediate settlement from the field by direct payments to beneficiaries.

19. The scheme would cover all contingent troops and would be funded from amounts calculated on a monthly basis using the authorized level of contingent strength and paid into a global fund from each peace-keeping operation's budget. The monthly amount would depend on the level of awards approved by the General Assembly and the actuarial calculation of risk based on prior experience and other relevant factors.

20. The amount budgeted for this option would be based entirely on the authorized numbers of troops of the mission. All unused monies would remain in

the fund and be carried forward. It is expected that these unused amounts will accumulate over time to a level that would provide the Organization with a degree of protection against catastrophic loss that is not available in the present system nor with any of the other options being considered.

Option 4. Current arrangements for military observers and civilian police

21. The maximum compensation for death, illness or injury of a military observer or civilian police officer is $50,000 or 2 years' salary, excluding allowances, whichever is higher. This option does not meet the first criterion set by the General Assembly resolution. Since all military personnel are not paid the same, awards under this option would not be equal. Administrative arrangements could be somewhat easier than for those options based on national legislation. It would require only that the actual salary of each contingent member claiming compensation be reported and certified by the national command. This would simplify the paperwork and facilitate earlier payment. Payments under this method in respect of military observers and civilian police are currently being made directly to the beneficiaries.

Option 5. Current system of following national legislation with a ceiling

22. This option perpetuates all the problems of the present system with one exception, the limiting of the liability of the Organization in individual cases to an upper limit. This option will not provide equal treatment of Member States; it will not simplify administrative matters, nor will it speed up settlement of claims.

V. ADDITIONAL OPTION

23. The Secretariat has considered one more option. It proposes to pay to the troop-contributing country an amount per soldier per month so that the national authorities will be able to provide suitable compensation for death or injury of their soldiers while on active duty with the United Nations. The amount would be provided in lieu of any other reimbursement by the United Nations for service-incurred death or disability and would free the Organization of all administrative responsibility. It is suggested that the monthly amount should not be significantly different from the monthly premium contemplated for the United Nations-administered insurance scheme.

24. Although seeming to treat all troop-contributing Member States equally, this option would not necessarily ensure that the death or injury of a soldier would result in equal benefits or indeed in any benefit being paid if a Member State did not choose to use the monthly payment for the establishment of a compensation scheme. Whereas the funds accumulated in the United Nations-administered insurance scheme effectively distribute the risk across all missions and therefore across all troop contributors, this sixth option would provide at the national level a financial base proportionate only to the number of their troops serving with the Organization. In this sense it is perceived that this option does not really accord equal treatment to Member States or to their soldiers.

VI. CONCLUSIONS

25. Based on the above analysis, it appears that only options 2 and 3 meet all the criteria set in General Assembly resolution 49/233, however, option 3's method of funding makes it preferable. The Secretary-General recommends option 3, a United Nations-administered global insurance scheme that provides standardized awards for death and disability, for General Assembly approval as both the fairest and most practical scheme to administer. The General Assembly might wish to consider extending this scheme to military observers and civilian police.

26. The level of awards could be any rate determined by the Member States. While the amount of US$ 50,000 has been suggested, the General Assembly may feel that the amount could be more generous. The maximum rate is the award for death, and percentages of this rate (along the lines embodied in appendix D to the Staff Rules) can be used to settle all disability claims.

27. The other options do not meet all the criteria and none treat the troops of all Member States equally. Option 4 would be easier than the present scheme to administer and could provide an earlier settlement of most claims. The sixth option of course carries no administrative requirement.

Notes

1/ A/3383, para. 13.

2/ A/3456.

Annex I

SCHEDULE OF AWARDS

(ST/SGB/Staff Rules/Appendix D/Rev.1 and Amend.1)

(a) In the case of injury or illness resulting in permanent disfigurement or permanent loss of a member or function there shall be paid to the injured party a lump sum, the amount of which shall be determined by the Secretary-General on the basis of the schedule set out in paragraph (b) below, and in accordance with the principles of assessment set out in paragraph (c) below, and applying where necessary, proportionate and corresponding amounts in those cases of permanent disfigurement or loss of member or function not specifically referred to in the schedule;

(b) Schedule (permanent disfigurement or permanent loss of member or function

	Loss or total loss of use		Amount
(i)	Both arms or both hands, or both legs or both feet, or sight of both eyes		$50,000.00
(ii)	Arm	(At shoulder)	60% of (i)
		(At or below elbow)	57% of (i)
(iii)	Hand	(At or below wrist)	54% of (i)
(iv)	Thumb		22% of (i)
(v)	Fingers	First (index)	14% of (i)
		Second (middle)	11% of (i)
		Third (ring)	5% of (i)
		Fourth	3% of (i)
(vi)	Leg	(Above the knee)	40% of (i)
		(At or below the knee)	36% of (i)
(vii)	Foot	(At or below ankle)	28% of (i)
		Great toe	5% of (i)
		Any other toe	1% of (i)
(viii)	Loss of sight	One eye (presuming other is normal)	24% of (i)
(ix)	Loss of hearing		35% of (i)

(c) Compensation under the immediately preceding provisions shall be determined in accordance with the following principles of assessment, where these are applicable:

(i) The assessment for the loss, or loss of use, of two or more digits, or one or more phalanxes of each of two or more digits, of a hand or foot, shall be proportioned to the loss of the use of the hand or foot occasioned thereby;

(ii) The assessment for permanent total loss of use of a member shall be the same as for the loss of the member;

(iii) The assessment for permanent partial loss, or loss of use, of a member shall be proportionate to the degree of loss or loss of use of the member.

Annex II

COMPARISON OF ACTUAL AMOUNTS CLAIMED BY TROOP-CONTRIBUTING COUNTRIES WITH AMOUNTS TO BE AWARDED UNDER OPTION 2 USING STANDARDIZED RATES

Mission	DEATH				DISABILITY a/			
	No. of cases	Claimed amount	Standard rate b/	Difference	No. of cases	Claimed amount	Standard rate c/	Difference
United Nations Operation in Mozambique	7	1 506 575	350 000	(1 156 575)	1	50 000	50 000	0
United Nations Assistance Mission for Rwanda	1	50 000	50 000	0				
United Nations Interim Force in Lebanon	24	4 165 732	1 200 000	(2 965 732)	6	460 257	100 000	(360 257)
United Nations Protection Force	15	2 489 046	750 000	(1 739 046)	7	933 559	138 000	(795 559)
United Nations Operation in Somalia	59	5 766 743	2 950 000	(2 816 743)	19	330 000	369 000	39 000
United Nations Transitional Authority in Cambodia	12	909 689	600 000	(309 689)	11	51 680	113 500	61 820
Total	118	14 887 785	5 900 000	(7 831 210)	44	1 825 496	770 500	(1 054 996)

a/ Claims that did not provide sufficient information were excluded from this analysis.

b/ All death awards are assumed to be paid at $50,000 per case.

c/ All disability awards are calculated in accordance with appendix D to the Staff Rules.

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Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 29 May 1995 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter dated 29 May 1995 from H.E. Mr. Hasan Muratovic, Minister in the Government of the Republic of Bosnia and Herzegovina, President of the State Committee for Cooperation with the United Nations, addressed to the Under-Secretary-General for Peace-keeping Operations (see annex).

May I ask for your kind assistance in circulating the present letter and its annex as a document of the General Assembly under agenda item 39, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

95-16008 (E) 300595 310595

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ANNEX

The city of Sarajevo, besieged for more than three years by the Serb aggressor forces, is again deprived of electricity, natural gas, and water, while deliveries of petroleum products, indispensable to the survival of Sarajevo's citizens, have been blocked.

On 26 May, at 1.30 p.m., the Serb aggressor forces disconnected the main transformer stations, leaving Sarajevo completely without power supply. Without doubt, this is a deliberate disconnection, and manifests a brutal and often-used tactic, directed at Sarajevo's civilian population.

Simultaneously, the aggressor continues to use for its own purposes the electric power produced at the electric power system of the Federation of the Republic of Bosnia and Herzegovina, but does not supply power to the Bacevo water pumping station, thereby totally depriving Sarajevo of its water supply.

Over an extended period, the aggressor has been reducing the flow of natural gas to Sarajevo by closing the valve in Zvornik. However, on 27 May, this valve was completely closed and the delivery of gas to the territories under control of the legal authorities of the Republic of Bosnia and Herzegovina has totally stopped.

A delegation of the Republic of Bosnia and Herzegovina recently visited the Russian Federation and arranged for a regular supply of natural gas to all consumers on the territory of the Republic.

Unless the gas supply is completely restored, we shall be forced to cancel temporarily the delivery of natural gas through the Sanctions Committee of the Hungarian Government.

As far as petroleum products are concerned, it is now more than one year since the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Protection Force (UNPROFOR) ceased to deliver this type of fuel, providing for an extremely critical situation.

In short, the current energy supply for Sarajevo is abysmal, and it can be reasonably concluded that Sarajevo's population now faces dire circumstances.

We require the undertaking of urgent measures on your part to rectify this situation.

Hasan MURATOVIC
President
State Committee for Cooperation with
the United Nations

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THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 29 May 1995 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to transmit a letter dated 29 May 1995 from H.E. Mr. Alija Izetbegovic, President of the Republic of Bosnia and Herzegovina, addressed to Your Excellency (see annex).

May I ask for your kind assistance in distributing the present letter and its annex as a document of the General Assembly under agenda item 39, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative

95-16014 (E) 300595 310595

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ANNEX

Letter dated 29 May 1995 from the President of Bosnia and Herzegovina addressed to theSecretary-General

The international community, particularly the North Atlantic Treaty Organization (NATO) and the United Nations, as well as the Bosnian Government, are at a crossroads with immediate implications. The international community has peace-keepers who are hostages and at risk. We have already incurred a heavy toll in the lives of our civilians in Tuzla and other places, and many others continue to be exposed to similar terrorist actions.

In order for our Government to address the consequences, we must inquire as to whether the weapons exclusion zone and the recent NATO ultimatum around Sarajevo are still in force? Please forward your reply to us.

(Signed) Alija IZETBEGOVIC

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IN PRINCIPAL ORGANS:
ELECTION OF A MEMBER OF
THE INTERNATIONAL COURT
OF JUSTICE

SECURITY COUNCIL
Fiftieth year

Memorandum by the Secretary-General

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I. INTRODUCTION

1. By a letter dated 24 February 1995, the Deputy Registrar of the International Court of Justice informed the Secretary-General of the death of Judge Roberto Ago (Italy) on that date and of the occurrence of a vacancy in the Court as a result of his death. Judge Ago became a member of the Court on 6 February 1979 and was re-elected as from 6 February 1988. His term of office would have ended on 5 February 1997. According to Article 14 of the Statute of the Court, the vacancy shall be filled by the same method as that laid down for the regular election and the Secretary-General shall, within one month of the occurrence of the vacancy, issue the invitations for nominations provided for in Article 5. According to Article 5, the invitations for nominations have to be made at least three months before the date of the election which is, pursuant to Article 14, to be fixed by the Security Council.

2. By a note dated 6 March 1995 addressed to the Security Council, the Secretary-General drew its attention to Article 14 of the Statute of the Court regarding fixing the date of the election to fill the vacancy in the Court (S/1995/178). Pursuant to Article 14 of the Statute of the Court, the Security Council decided by resolution 979 (1995) of 9 March 1995 that the election to fill the vacancy should take place on 21 June 1995, at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session. The General Assembly at its 99th meeting held on 31 March 1995 decided to reopen consideration of agenda item 15 (c) (see A/49/861 and A/49/PV.99).

3. Pursuant to Article 5, paragraph 1, of the Statute of the Court, the Secretary-General, in a communication dated 13 March 1995, invited the national groups of States parties to the Statute of the Court to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 31 May 1995. A list of the nominations received by that date and a list of the curricula vitae of the candidates received are transmitted to the General Assembly and the Security Council (A/49/910-S/1995/449 and A/49/911-S/1995/450, respectively). The names of the candidates will appear on the ballot papers to be distributed during the election.

4. Article 15 of the Statute of the Court provides that a member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term. The member elected to replace Judge Roberto Ago will thus serve until 5 February 1997.

5. The present composition of the Court and the procedure in the General Assembly and the Security Council for filling the vacancy are described below.

II. COMPOSITION OF THE INTERNATIONAL COURT OF JUSTICE

6. The present composition of the International Court of Justice is as follows:

President: Mr. Mohammed Bedjaoui (Algeria)*

Vice-President: Mr. Stephen M. Schwebel (United States of America)*

Judges: Shigeru Oda (Japan)**
Robert Yewdall Jennings (United Kingdom of Great Britain and Northern Ireland)*** 1/
Gilbert Guillaume (France)***
Mohammed Shahabuddeen (Guyana)*
Andrés Aguilar Mawdsley (Venezuela)***
Christopher Weeramantry (Sri Lanka)***
Raymond Ranjeva (Madagascar)***
Géza Herczegh (Hungary)**
Shi Jiuyong (China)**
Carl-August Fleischhauer (Germany)**
Abdul G. Koroma (Sierra Leone)**
Vladlen S. Vereshchetin (Russian Federation)*

III. PROCEDURE IN THE GENERAL ASSEMBLY AND IN THE SECURITY COUNCIL

7. The election will take place in accordance with the following provisions:

(a) The Statute of the Court, in particular Articles 2 to 4, 7 to 12 and 14;

(b) Rules 150 and 151 of the rules of procedure of the General Assembly;

(c) Rules 40 and 61 of the provisional rules of procedure of the Security Council.

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* Term of office expires on 5 February 1997.

** Term of office expires on 5 February 2003.

*** Term of office expires on 5 February 2000.

1/ By a letter dated 27 February 1995, the President of the International Court of Justice, pursuant to Article 13, paragraph 4 of the Statute of the Court, transmitted to the Secretary-General Sir Robert Yewdall Jenning's letter of resignation dated 15 February 1995. In this letter, Sir Robert Jennings gave notice of resignation as a member of the Court, the resignation to take effect on 10 July 1995. By its resolution 980 (1995) dated 22 March 1995, the Security Council decided that the election to fill the vacancy shall take place on 12 July 1995 at a meeting of the Security Council and at a meeting of the General Assembly at its forty-ninth session.

8. In accordance with General Assembly resolution 264 (III) of 8 October 1948, Nauru and Switzerland, which are parties to the Statute of the Court but not members of the United Nations, have been invited to participate in the General Assembly in electing members of the Court in the same manner as the States members of the United Nations.

9. On the date of the election, the General Assembly and the Security Council will proceed, independently of one another, to elect a member of the Court to fill the vacancy (Art. 8 of the Statute).

10. According to Article 2 of the Statute, judges are to be elected, regardless of their nationality, from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law. Article 9 requires electors to bear in mind not only that the person to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured.

11. The candidate who obtains an absolute majority of votes both in the General Assembly and in the Security Council will be considered elected (Art. 10, para. 1, of the Statute).

12. The consistent practice of the United Nations has been to interpret the words "absolute majority" as meaning a majority of all electors. The electors in the General Assembly are all 185 Member States, together with the 2 non-member States mentioned in paragraph 8 above that are parties to the Statute of the Court. Accordingly, as at the date of the present memorandum, 94 votes constitute an absolute majority in the Assembly for the purpose of the election.

13. In the Security Council, eight votes constitute an absolute majority and no distinction is made between permanent and non-permanent members of the Council (Art. 10, para. 2, of the Statute).

14. Only those candidates whose names appear on the ballot papers are eligible for election. The electors in the General Assembly and in the Security Council will indicate the candidate for whom they wish to vote by placing a cross against the name on the ballot paper. Each elector may vote for only one candidate.

15. At the 915th plenary meeting of the General Assembly, on 16 November 1960, a procedural discussion took place as to whether rule 94 (then rule 96) of the rules of procedure of the Assembly should be applied in elections to the International Court of Justice. That rule lays down a procedure for restricted ballots in the event that, after the first ballot, the requisite number of candidates have not obtained the required majority. By 47 votes to 27, with 25 abstentions, the Assembly decided that the rule did not apply to elections to the Court and it proceeded to elect the requisite number of candidates by a series of unrestricted ballots. This decision has been followed consistently.

16. If in the first ballot in either the General Assembly or the Security Council no candidate receives an absolute majority, a second ballot will be held and balloting will continue in the same meeting until a candidate has obtained the required majority (rule 151 of the rules of procedure of the Assembly and rule 61 of the provisional rules of procedure of the Council).

17. Cases have arisen in the Security Council in which more than the required number of candidates have obtained an absolute majority on the same ballot. The practice followed by the Council has been to hold a new vote on all the candidates, and the President of the Council made no notification to the President of the General Assembly until only the required number of candidates, and no more, had obtained an absolute majority in the Council.

18. When a candidate has obtained the required majority in one of the organs, the President of that organ will notify the President of the other organ of the name of that candidate. Such notification is not communicated by the President of the second organ to the members until that organ has itself given a candidate the required majority of votes.

19. If, upon comparison of the name of the candidate so selected by the General Assembly and by the Security Council, it is found that the result if different, the Assembly and the Council will proceed, again independently of one another, in a second meeting and, if necessary, a third meeting, to elect one candidate by further ballots (Art. 11 of the Statutes), the results again being compared after one candidate has obtained an absolute majority in each organ. If necessary, the above procedure will be repeated until the General Assembly and the Security Council have given an absolute majority of votes to the same candidate.

20. If, however, after the third meeting, the vacancy still remains unfilled, the special procedure set out in Article 12 of the Statute of the Court may be resorted to at the request of either the General Assembly or the Security Council.

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SECURITY COUNCIL
Fiftieth year

List of candidates nominated by national groups

Note by the Secretary-General

1. By a communication dated 24 February 1995, addressed to States parties to the Statute of the International Court of Justice, the Secretary-General drew attention to the vacancy in the International Court of Justice caused by the death of Judge Roberto Ago (Italy) on 24 February 1995. In the same communication, the Secretary-General, in accordance with Article 5, paragraph 1 of the Statute of the Court, invited the national groups of States parties to the Statute to undertake the nomination of persons in a position to accept the duties of a member of the Court. The Secretary-General further requested that nominations should be received no later than 31 May 1995.

2. In accordance with Article 7 of the Statute of the Court, the Secretary-General has the honour to submit to the General Assembly and to the Security Council the names of the candidates thus nominated by the national groups (see annex).

3. The composition of the Court and the voting procedure to be followed in the General Assembly and in the Security Council are contained in a memorandum by the Secretary-General issued as document A/49/909-S/1995/448. The curricula vitae of the candidates appear in document A/49/911-S/1995/450.

Annex

LIST OF CANDIDATES NOMINATED BY NATIONAL GROUPS

Name and nationality	Nominated by the national group of
Luigi Ferrari Bravo (Italy)	Greece India Italy Poland Russian Federation Venezuela
Mehmet Güney (Turkey)	Turkey
Pieter H. Kooijmans (Netherlands)	Netherlands Sweden
Santiago Torres Bernardez (Spain)	Argentina Austria Belgium Colombia Spain Uruguay

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